

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

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**IN RE: ETHICON INC., PELVIC REPAIR  
SYSTEM PRODUCTS LIABILITY LITIGATION**

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**MDL No. 2327**

**2:12-md-02327**

**THIS DOCUMENT RELATES TO:**

**HON. JOSEPH R. GOODWIN**

*Fox et al. v. Ethicon, Inc. et al.,*  
*No. 2:12-cv-0878*

*Ridgley v. Ethicon, Inc., et al.,*  
*No. 2:12-cv-0311*

**NOTICE OF PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANTS'  
MOTION TO EXCLUDE THE OPINIONS AND TESTIMONY OF  
KONSTANTIN WALMSLEY, MD**

Dr. Walmsley is a case specific expert designated by the firms representing the *Fox* and *Ridgley* Plaintiffs. His opinions on IFU adequacy and alternative procedures are tethered to the time of the implants in *Fox* and *Ridgley*. He has not been designated as a general expert in MDL 2327 by Plaintiffs leadership. His is not a true "general" expert as Defendants suggest. Plaintiffs adopt and incorporate their responses to Defendants' Motion to Exclude the Opinions and Testimony of Konstantin Walmsley, MD, filed individually in the *Fox* and *Ridgley* cases.

Plaintiffs incorporate their Memorandum In Opposition and the following exhibits:

Ex. A. Rule 26 Report in *Fox v. Ethicon*;

Ex. B. Rule 26 Report in *Ridgley v. Ethicon*;

Ex. C. Klinge et al, "Foreign Body Reaction to Meshes Used for the Repair of Abdominal Wall Hernias," *Eur. J. Surg* 165: 665-673 (1999).

Ex. D. Abbott et al, "Evaluation and management of complications from synthetic mesh after pelvic reconstructive surgery: a multicenter study" Am. J. Obstet. Gynecol 2014; 210: 163.e1-8

Ex. E. Affidavit of Konstantin Walmsley, MD

### **Conclusion**

For the reasons set forth in the accompanying memorandum, and the individual responses filed in the *Fox* and *Ridgley* cases, Defendants Motion to Exclude the Opinions and Testimony of Dr. Walmsley should be denied.

**RESPECTFULLY SUBMITTED,**

Dated: May 9, 2016

**TRACEY & FOX**

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**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing instrument has been forwarded to all counsel of record, via hand delivery, certified mail or facsimile, in accordance with the Federal Rules of Civil Procedure, on May 9, 2016.

**BERN RIPKA LLP**

/s/ Rick Barreca  
*Attorney for Plaintiffs*